

## REMARKS

The present amendment is submitted in response to the Office Action dated November 1, 2006, which set a three-month period for response, making this amendment due by February 1, 2007.

Claims 1-14 and 17-23 are pending in this application.

In the Office Action, the drawings were objected to for an informality. Claims 1-23 were rejected under 35 U.S.C. 101 on grounds "the claimed invention is directed to non-statutory subject matter, specifically, there is no tangible result." Claims 2, 7-14, and 23 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-14 and 22-23 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,712,782 to Weigelt et al. Claims 1-2 and 15-22 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,726,559 B2 to Bischoff.

In the present amendment, Figs. 1 and 2 were amended to add the legend "Prior Art".

Claim 1 has been amended to address the rejections under Sections 101 and 102 by adding the features of claims 15-16, which have been canceled. The remaining claims were amended to address the rejections under Section 112, second paragraph.

The Applicants respectfully submit that claim 1 does indeed define patentable subject matter pursuant to Section 101. The most important aspect of the present invention as defined in claim 1 is that the optimizing procedure is

formed as a process which is widely decoupled from the knowledge and experience of the operator of the agricultural machine. For achieving that effect, claim 1 defines that the adjustable parameter are optimized by processing at least one process algorithm which is integrated into the data processing system.

While the Weigelt reference discloses in a general manner an on-board processor 8 which controls the optimization process in the machine, no details or specific features of a process algorithm for optimizing machine parameters are described, either explicitly or implicitly.

The Applicants respectfully submit that amended claim 1 defines a set of features over both Weigelt and Bischoff by reciting steps directed to “process algorithm management”. The specification of the present applicant teaches a number of advantages associated with the present invention, one of which is that the data processing system is able to recognize so-called identical or similar situation patterns base on the information of the input data. These situation patters form the decision criteria for choosing such an algorithm of a set of algorithms which is suitable at best for optimizing machine parameters based on certain information of the input data (e.g., harvesting conditions, crop conditions). These features were defined in original claims 15 and 16 and are now incorporated in amended claim 1.

Because claim 1 includes features that are not disclose or suggested by the cited references, the rejections under Section 102 must be withdrawn. None of the cited references can be considered an appropriate reference either under MPEP section 2131, which indicates that to anticipate a

claim a reference must teach every element of the claim in as complete detail as is contained in the Applicants' claim, or under MPEP section 2143.03, since not all of the Applicants' claim limitations are taught or suggested. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984).

For the reasons set forth above, the Applicants respectfully submit that claims 1-14 and 17-23 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

**/ Michael J. Striker /**

Michael J. Striker  
Attorney for Applicant  
Reg. No.: 27233  
103 East Neck Road

Huntington, New York 11743  
631-549-4700